

**ATTORNEY GENERAL'S OFFICE'S REPORT REGARDING THE APRIL 16, 2020,
SHOOTING DEATH OF ALAN BELIVEAU IN MANCHESTER, NEW HAMPSHIRE**

I. INTRODUCTION

The Office of the Attorney General and the Manchester Police Department have concluded an investigation into the fatal shooting of Alan Beliveau (age 59)¹ in Manchester, New Hampshire, on April 16, 2020. The investigation determined that Alan Beliveau was fatally shot by his father, George Beliveau (age 82). The purpose of this report is to summarize the Attorney General's Office's findings and conclusions with regard to Alan Beliveau's death. The findings and conclusions set forth in this report are based upon information gathered during the course of the investigation, including interviews with George Beliveau and people who interacted with him shortly after the death of Alan Beliveau, as well as medical records, evidence from the scene of Alan Beliveau's death, and information about the history between George and Alan Beliveau.

Based upon the investigation conducted into Alan Beliveau's death, New Hampshire Deputy Attorney General Jane E. Young finds that George Beliveau's use of deadly force against Alan Beliveau on April 16, 2020, was legally justified.

II. FACTS

a. Facts of Homicide Investigation

i. Interviews

On April 16, 2020, at approximately 8:23 p.m., Manchester police officers were dispatched to 73 Brockton Street for a report of a shooting with at least one injured. Officers

¹ Ages given herein are as of the date of the incident, April 16, 2020.

learned that the shooter was at 49 Brockton Street. When they went to 49 Brockton Street, they located the residents of that address, Stephen Houle and Tonya Angwin, together with one of the residents of 73 Brockton Street, George Beliveau.² When officers first arrived, all three were inside of 49 Brockton Street. George then exited with Ms. Angwin and complied with officers' commands until he was placed in handcuffs. Once in handcuffs, George told officers that the firearm was inside of 49 Brockton Street.

Officers saw that George was injured. His face was very badly bruised and cut. His right eye was extremely black and blue and partially closed. He had a large lump on the back of his head, and he was bleeding badly around both of his hands and wrists. There was a large gash on his right elbow, and his pants and clothes had blood in multiple areas. George kept mentioning how badly his jaw hurt.

George was given *Miranda* warnings, which he waived and agreed to speak with officers. He explained that he and his son (later identified as Alan Beliveau) had a nice day together. They had gone grocery shopping together, and upon returning home Alan went upstairs to his bedroom and George was downstairs in the living room. At some point, Alan came downstairs and started fighting with George; George said this was the first time something like this had happened, as they had never fought before. The fight was over the fact that Alan did not believe George was his real father. Alan started physically attacking George, first punching him and then, after knocking George to the ground, repeatedly kicking him. George said he was scared for his life throughout the fight, as Alan was much larger and younger. At one point, George was able to pull Alan down while he (George) was lying on the ground, so then George ran to the neighbors' house (Mr. Houle and Ms. Angwin) and called 911.

² In this report, Alan and George Beliveau will generally be referred to as "Alan" and "George," both to prevent confusion and to avoid constant repetition of their full names.

George did not mention shooting Alan in his initial statement. George was taken to a hospital emergency room via ambulance, and a police officer rode in the ambulance with George. On the way to the hospital, George told one of the paramedics, “I had to do something because I didn’t think I’d see daylight again. I had to shoot him.”

While George was en route to the hospital, officers interviewed Mr. Houle and Ms. Angwin, the residents of 49 Brockton Street. Mr. Houle said he was home with his wife (Ms. Angwin) when he heard aggressive knocks at the door. He answered the door and George burst in. George was covered in blood all over his face and arms, and kept repeating, “my son attacked me, my son attacked me, call the police, my son tried to kill me.” Mr. Houle then called 911. George was extremely terrified and said his son kept hitting him with a cane and started kicking him and would not stop. Mr. Houle asked if George “put bullets in Alan,” and George said he did. George had a small, silver pistol, which he gave to Mr. Houle.

Ms. Angwin said she was on a video chat when she heard a knock at the door. She heard a distressed voice, so she went to the kitchen where she saw her husband (Mr. Houle) with George. George was bloody and distressed, and said his son was beating him with a cane so he had to shoot him; he had no choice. George said he thought his jaw was broken. George had a small, silver gun which he gave to Mr. Houle. Ms. Angwin said she was aware of a history of domestic violence between George and Alan, as well as a history of alcohol problems. She also said George said Alan might be on drugs, but she did not know what that meant.

At the hospital, George was re-interviewed by detectives. Detectives noted that George had cuts, scrapes, and bruises on his head, arms, hands, and shoulders. They noted he had a large black right eye with a large amount of bruising on the right side of his forehead and face. Detectives observed deep bruising along George’s right forearm and hand, with several cuts on

his right hand. They also saw bruising on the left side of George's face, dried blood in his left ear, and small cuts on his left shoulder blade. George also had heavy bruising along his left forearm and hand, a large cut near his left wrist, dried blood around his nose and mouth, and a large amount of redness on his nose.

George said that Alan had a problem where he did not believe George was his true father. That evening, Alan was upstairs playing online chess. George thought Alan might have been having a couple drinks, but he was not sure. At some point, Alan came downstairs wearing only shorts and underwear and started hitting George, saying, "you're not my father." This happened when George was coming out of the downstairs bathroom. Alan began punching and kicking George. George said that Alan had been verbal in the past, but nothing like this. Alan knocked George to the ground, at which point George realized Alan was serious, so George got very scared. George was telling Alan to get off him and was trying to fight back, but Alan was approximately 100 pounds larger. George said this went on for about 20 minutes, and he was fighting for his life.

George then said that he always carries a small gun in his left pocket, so while he was on the ground, he shot Alan twice. He thought one shot hit Alan in the leg, and the other in the stomach. George said, "I had to protect myself; he was gonna kill me." Alan leaned over a little bit, and George ran out of the house through the kitchen and to the neighbors' house, and he told them to call 911. George brought the gun to the neighbors' house.

George said that Alan was going to kill him and he (George) was deathly afraid and had never felt like that in his life. During the fight, Alan was saying that George was not his father, and Alan also said, "I'm going to finish you off." George said there was no way he could have

gotten away because Alan outweighed him, so George was scared and fighting for his life. He said he never felt uncomfortable around Alan until that night.

George was apparently not aware during this interview that Alan had died. George asked if Alan was going to be arrested, because George was afraid for his safety if Alan was going to be home when he (George) got home. George said he was not sure if Alan had mental health issues or took medication, but he recalled a time when police had to get Alan out of the basement because Alan would not come out of the house; the police at that time had fired tear gas into the home.

George said that he and Alan got along for the most part, and that they had gone grocery shopping together earlier that day and things had been fine.

After the interview, George consented to a medical release and allowed police to take his belongings. He did not consent to a search of 73 Brockton Street, saying he did not want police going into his private home.

When George was told that Alan had died, George appeared shocked and started sobbing. He said he was only trying to stop his son from beating him. He believed his son was going to kill him, and he thought that he had only grazed Alan with the gunshot. George said he did not think someone could die from being shot in the leg and stomach, as he was just trying to hit Alan in the leg to stop him. George continually said Alan was his only son and that Alan had severe mental problems.

Mr. Houle and Ms. Angwin were also reinterviewed by detectives. Mr. Houle's second statement was consistent with this first. Mr. Houle said that Ms. Angwin was on a video conference when he (Mr. Houle) heard a knock at the front door. Mr. Houle answered the door and saw George. George had injuries to his face, arms, and legs; Mr. Houle described George as

a “bloody mess.” Mr. Houle invited George into the kitchen, and noticed George was limping to the point of staggering. During this time, George said a variety of things, including,

- “Call 911, emergency, emergency.”
- “Call the police, call the police.”
- “Alan tried to kill me.”
- “He was beating me.”
- “He was beating me with a cane.”
- “He was kicking me on the floor.”

Mr. Houle called 911.

According to Mr. Houle, George said Alan had confronted him (George) about him not being Alan’s father. George said Alan started hitting him, and George then said, “I shot him.” George had the gun on him, which he gave to Mr. Houle. Mr. Houle described the gun as semi-automatic, silver, fairly small, and possibly a .38.

Ms. Angwin’s second statement was also consistent with her first. She said she was on a video chat when she heard a knock at the front door. Mr. Houle answered the door, and George came into the house. George sat down in the kitchen, and she got him water and a towel. She noted that George had multiple wounds and appeared to have been assaulted; he was bleeding from his head, elbows, and arms, and he said multiple times that his jaw was broken.

According to Ms. Angwin, George said that Alan was beating him with a cane, had kicked him, and had gone crazy. George said he shot Alan as he did not have a choice. Alan had been saying, “you’re not my father, you’re not my father.” Mr. Houle called 911, and George gave the firearm to Mr. Houle. Ms. Angwin said the firearm was silver and did not look like a revolver.

Ms. Angwin was aware of past incidents between George and Alan. She said one time Alan barricaded himself in the house and was arrested by Manchester Police officers. Another time, George’s wife had dementia and called the Manchester Police Department, saying Alan

had a firearm and wanted to shoot police. Otherwise, Ms. Angwin was not aware of any prior incidents involving Alan.

ii. George's Medical Records

As noted above, George signed a release for the medical records of his treatment after the homicide. The records showed the following injuries: cephalhematoma near right eye; bleeding from a small laceration in area of left ear; contusions to anterior scalp and forehead; some hematoma around left eye; some tenderness and swelling in right jaw; a small abrasion on chest; mild chest wall tenderness; lower back tenderness; abrasion to left shoulder; swelling and tenderness on left wrist; a small skin tear left wrist area; and a skin tear right elbow. Although George had claimed that he thought his jaw was broken, he had no fractures.

iii. Scene Processing

The scenes at 49 Brockton Street (Mr. Houle and Ms. Angwin's residence) and 73 Brockton Street (Beliveau residence) were both processed. At 49 Brockton Street, the scene was confined to the dining room/kitchen area. Officers observed an apparent blood stain on a pink jacket hanging on the back of a dining chair. On the chair itself, officers observed a small amount of apparent blood. On the kitchen table directly in front of the chair was a smear of apparent blood. On the kitchen counter, officers located George's firearm, which was a Kimber Micro 9 silver handgun with red grip on either side. There was one round in the chamber and four additional rounds inside the magazine.³ The serial number was checked in NCIC with negative results for being a stolen firearm.

The scene at 73 Brockton Street was primarily a connected mudroom/bathroom area between the garage and the kitchen. The mudroom was small, approximately 5 feet by 6 feet,

³ The Micro 9 comes with a 7-round magazine.

with four doors: one to the outside, and then standing in that outside door and looking into the mudroom, one to the kitchen on the left, one to the garage on the right, and one to a bathroom on the opposite side. The bathroom was approximately 5 feet by 7 feet; its only door was the door from the mudroom. The door from the mudroom opened into the bathroom toward the right. On the left side of the bathroom was a sink and a toilet. A bathtub spanned the entire width of the bathroom opposite the door.

Alan's body was on the floor of the mudroom, essentially in the doorway between the bathroom and the mudroom. His body was face down and slumped over forward on top of one leg; the other leg was extended to the side and behind. His head was just over the threshold into the bathroom. Alan's body was nude with the exception of socks on his feet and glasses on the standard position on his face. He had gunshot wounds to the left upper arm/chest and to the left abdomen, as well as a graze wound on his left forearm. A strong odor of alcohol was coming from Alan's mouth.

Alan's body took up most of the mudroom floor. Also on the floor of the mudroom, directly next to Alan, were two canes in an "X" pattern. Alan's body was on top of a broomstick, with the stick itself underneath Alan and the broom portion in the bathroom. There was a second broomstick without a head on the bathroom floor. There were apparent bloodstains/smears on the mudroom walls, on the open door into the bathroom, and on a kitchen pantry cabinet near the door from the mudroom into the kitchen.

Two bullet casings were found inside the bathtub in the bathroom. Both casings were 9mm casings, although they were different brands. Police also found a bolt-action rifle in Alan's bedroom closet and a 12 gauge shotgun in a closet in an unused second bedroom.

iv. Autopsy

New Hampshire Chief Medical Examiner Dr. Jennie V. Duval conducted an autopsy of Alan Beliveau on April 17, 2020. She observed numerous abrasions and contusions of the face, anterior torso, and extremities. Toxicological testing was performed on Alan's blood, and it showed a blood alcohol content of 0.136.⁴

Dr. Duval observed four gunshot wounds to Alan's body. Two were graze wounds: one of his left forearm, and the other of his left hip. A third wound showed that the bullet entered the left upper arm, traveled through the left upper arm before exiting, then entered the left upper chest and perforated the heart. This bullet traveled left-to-right, downwards, and front-to-back, and was recovered from the diaphragm muscle. It was fired from intermediate range (a maximum of approximately 18–24 inches). The fourth wound showed that the bullet entered the left lateral abdominal wall, and it was recovered from the subcutaneous tissue of the right back. This bullet traveled left-to-right, upwards, and slightly front-to-back. It was also fired from intermediate range.

Dr. Duval determined that Alan's cause of death was a gunshot wound to the chest and his manner of death was homicide. As used by the Office of the Chief Medical Examiner, "homicide" is defined as the killing of one person by another.

b. Historical Information

Police interviewed two of George's daughters/Alan's sisters, Lynne Larochelle and Cathleen Beliveau, and from them learned some of George and Alan's history. Lynne characterized the relationship between George and Alan as "rocky" and "weird." She said that George would be seen with bruises but he would say he did not know how he got them. Lynne

⁴ This is almost double the legal limit to drive in New Hampshire.

said that she absolutely thought George was afraid of Alan. She had seen knives in George's bed, and he had said that he was afraid when he went to bed. George also said that Alan would shut the electricity off at night, and George would need to keep flashlights near his bed.

Lynne had last spoken with Alan three weeks prior; Cathleen said she did not speak with Alan at all. They explained that Alan was previously evaluated at the State Hospital in Concord, but they were not sure of the diagnosis. They said that Alan was always paranoid, setting cameras up throughout his room and the house. They also said Alan was working with someone at Manchester Mental Health.

Lynne and Cathleen said they did not know Alan to own firearms due to his mental health issues. Lynne said that Manchester Police had taken most of George's guns after a previous incident with Alan in 2018. However, at some point after the incident, Lynne did observe a silver handgun with some red on the handle on the kitchen counter of her father's house.

c. 2018 Incident Involving George and Alan

As noted above, there was a 2018 incident between George and Alan that required police intervention. On April 6, 2018, George went to a neighbor's⁵ house and told the neighbor that Alan had "just rocked his world" and had beaten him up. George said Alan was having a mental episode and had barricaded himself in the basement with a firearm. George then ran back to his residence.

Manchester Police officers responded to 73 Brockton Street to find that both George and Alan were inside. After about 45 minutes of verbal commands, George exited the house. He told police that Alan was having a mental breakdown and had locked himself in the basement with a

⁵ The neighbor is unnamed in the police reports. It is unclear if it was Mr. Houle/Ms. Angwin or a different neighbor.

9mm firearm that he had recently purchased. George denied that Alan had assaulted or threatened him, but officers noted apparently fresh injuries to George's left eye and nose.

Alan ignored repeated verbal commands to exit the residence. Eventually SWAT officers responded and used tear gas to force Alan out of the house. He was taken into custody without incident and was charged with simple domestic assault, resisting arrest, and violation of bail conditions. These charges were eventually *nol prossed*.

III. APPLICABLE LAW

New Hampshire's laws regarding self-defense are set forth in RSA Chapter 627. The use of deadly force in this case would be governed by RSA 627:4, II(a) and/or (d): "A person is justified in using deadly force upon another person when he reasonably believes that such other person: (a) Is about to use unlawful, deadly force against the actor or a third person; . . . (d) Is likely to use any unlawful force in the commission of a felony against the actor within such actor's dwelling or its curtilage." RSA 627:9, II defines "deadly force" as "any assault . . . which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury."

The phrase "reasonably believes" means that the actor "need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real." *State v. Gorham*, 120 N.H. 162, 163-64 (1980). The term "reasonable" is "determined by an objective standard." *State v. Leaf*, 137 N.H. 97, 99 (1993). Further, all of the circumstances surrounding the incident should be considered in determining whether the actor had a reasonable belief that deadly force was necessary to defend himself or another. When reviewing a deadly force incident, the actor's conduct should be viewed considering "the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection." *N.H. Criminal Jury Instructions*, 3.10. In other words, when analyzing the reasonableness of an

actor's use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight. The amount of deadly force used by the actor to protect himself or another must be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

These are the legal standards that help guide the Attorney General's review of the use of deadly force by a private citizen in New Hampshire.

IV. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Deputy Attorney General has concluded that George Beliveau was legally justified when he fatally shot and killed Alan Beliveau on April 16, 2020. That is because, at that moment, Alan had already used deadly force against George by physically assaulting him multiple times, including with one or more canes. Further, Alan was much younger and physically larger than George by approximately one hundred pounds,⁶ putting George at a disadvantage in their physical altercation. Therefore, based on a review of all the evidence, it was objectively reasonable for George to conclude that Alan constituted an imminent threat of deadly force when George shot and killed Alan on April 16, 2020.

George's description of events—that he was punched and kicked by a younger, heavier individual, that he was kicked after being knocked on the ground, and that he was struck with a cane, supports an objectively reasonable belief that Alan was using unlawful, deadly force, pursuant to RSA 627:4, II(a). Furthermore, Alan apparently told George that he (Alan) was going to finish George off, further contributing to the reasonableness of George's belief.

⁶ George's weight in the medical records is listed as 159 pounds; Alan's weight at the time of autopsy was 258 pounds.

Although there were no other witnesses to the shooting of Alan, other evidence corroborates George's description of events. Multiple people, both private citizens and law enforcement officers, observed significant injuries to George's body; Mr. Houle described George as "a bloody mess." These injuries are further reflected in George's medical records, which document substantial injuries to George's head, face, and arms. In addition, two canes were found immediately next to Alan's body, corroborating George's statements to Mr. Houle and Ms. Angwin that Alan was beating him with a cane.

The physical evidence also adds to the reasonableness of George's belief that Alan was using unlawful, deadly force. As George noted, there was a significant size and age discrepancy between himself and Alan, with Alan being younger and approximately one hundred pounds heavier. Furthermore, George noted that he was attacked by Alan in the downstairs bathroom. As described previously, the downstairs bathroom is very small and only has one entrance/exit, which is through the mudroom—the room where Alan was attacking from.

George's behavior after the shooting shows an absence of consciousness of guilt, and further weighs in favor of his credibility. When he arrived at Mr. Houle and Ms. Angwin's house, he asked that the police be called, and he gave the firearm to Mr. Houle. George also surrendered himself to police once they arrived, and gave two voluntary statements. Finally, when George was notified that he had killed Alan, he appeared shocked and started sobbing, saying that he had only tried to shoot Alan in the leg in order to stop Alan's attack.

Finally, the 2018 incident and the history between George and Alan both weigh in favor of George's credibility. The 2018 incident is documented evidence of Alan attacking George, and Lynne Larochelle's mention of seeing bruises on George on other occasions shows that the 2018 incident possibly was not isolated.

In addition, George's belief that deadly force was necessary to respond to Alan's attack was reasonable pursuant to RSA 627:4, II(d). The facts support George's reasonable belief that Alan was likely to use any unlawful force in the commission of a felony against George within George's dwelling or its curtilage. RSA 627:9, III defines "dwelling" as "any building [or] structure . . . adapted for overnight accommodation of persons . . .," and there is no question that 73 Brockton Street was George's dwelling. Furthermore, Alan's attack on George was a felony. Based on George's description of Alan attacking him with a cane, and the corroborating evidence as described previously, Alan's attack on George within George's curtilage would also justify George's use of deadly force in self-defense.

Therefore, based on all the facts and circumstances known to George Beliveau on April 6, 2020, it was reasonable for him to conclude that he faced an imminent threat of deadly force from Alan Beliveau. Accordingly, George Beliveau was legally justified in using deadly force against Alan Beliveau, and no criminal charges will be filed against George Beliveau for killing Alan Beliveau.

[3118613]